

## **PERMIT CONDITIONS**

Mesa Materials Inc  
Permit Number 96-0907  
February 6, 1997

*The numerical section references in this Permit are based on Maricopa County Air Pollution Control Rules and Regulations (Rules) in effect on the date of issuance of these Permit Conditions. In the event that these rules are revised to change the numerical references during the term of this Permit, the revised numbering system will apply to this permit.*

### **GENERAL CONDITIONS:**

1. **Annual Compliance Certification:** The Permittee shall file an annual compliance certification with the Maricopa County Department of Environmental Services (Department), Attn: Air Quality Compliance Supervisor. The compliance certification shall be filed on a form and in the manner specified by the Maricopa County Air Pollution Control Officer (Control Officer).
2. **Certification:** Any document which is required to be submitted by this Permit or the Rules shall contain certification by a responsible official of truth, accuracy and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
3. **Controls:** Except as provided by the applicable Rules or these Permit Conditions, the Permittee shall not operate any equipment or process unless air pollution controls, required by either this Permit or the Rules, are in place, are operating without bypass, and are operating within their design parameters and in accordance with any other conditions specified in this Permit. This requirement to operate any required air pollution control equipment may be temporarily waived:
  - a. for good cause if advanced written approval is obtained from the Control Officer, or
  - b. for preventative maintenance of the control device if the shutdown is allowed in the control's Operation and Maintenance Plan which has been approved in writing by the Control Officer.

The Permittee shall notify the Control Officer, in accordance with Rule 220, before making any additions, modifications or replacements to any air pollution control equipment. This notification requirement does not apply to normal maintenance and repair activities.
4. **Fees:** The Permittee shall pay, in a timely manner, an annual fee for this Permit as determined by the Control Officer in accordance with Rule 280.
5. **Fugitive Dust:** The Permittee shall take all reasonable precautions to minimize the emissions of fugitive dust in accordance with §300 of Rule 310.

6. **Leased/Rented/Borrowed Equipment:** If the Permittee leases, rents, or lends any equipment covered by this permit to a second party, the Permittee shall provide the second party with a copy of this Permit. It is the responsibility of the person using the equipment to make sure that the equipment is properly permitted and operated. If the Permittee does not provide the second party with a copy of this Permit, both the Permittee and the second party shall be responsible for operating the source in compliance with the Permit and for any violation thereof.
7. **Maintenance:** The Permittee shall keep all equipment under this Permit in good working order through an active maintenance program established in accordance with the approved Operation and Maintenance Plans or, in its absence, with manufacturers' recommendations, and generally accepted industry standards.
8. **Malfunctions (Emergency Upsets):** A malfunction that causes emissions in excess of those allowable by either the Rules or these Permit Conditions shall constitute a violation. Any affirmative defense of a violation caused by a malfunction shall be documented in accordance with §501 of Rule 100.
9. **Material Containment:** Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizer and manure shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution.
10. **Modifications:** The Permittee shall notify the Control Officer, in accordance with the Rules, of changes, replacements or additions to the source which are not covered by this Permit.
11. **Odors:** The Permittee shall not emit gaseous or odorous air contaminants from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.
12. **Operations:** The Permittee shall operate all equipment and processes in accordance with these Permit Conditions, applicable approved operations and maintenance plans, and all applicable requirements of Federal laws, Arizona laws, and Maricopa County Air Pollution Control Rules and Regulations.

The Permittee shall halt or reduce activities if necessary in order to maintain compliance with these Permit Conditions, all approved operations and maintenance plans, and all applicable requirements of Federal laws, Arizona laws, and Maricopa County Air Pollution Control Rules and Regulations.

13. **Portable Sources:** If this Permit is for a portable source, the Permittee shall notify this Department, Attn: Air Quality Compliance Supervisor, in writing at least ten days in advance of moving to any location in Maricopa County. The notification shall include, at a minimum, the information required by §410 of Rule 200.

If the proposed location will have additional sources of air pollution under the control of the Permittee, the notification shall also contain a summary of the projected and allowable emissions for these additional sources.

The ten day notification requirement may be waived if both of the following conditions are met:

- a. the Permittee can demonstrate to the satisfaction of the Control Officer that an emergency situation existed, and
- b. the Permittee notifies the Department of the required information by telephone as soon as is practical and follows up with a written copy within seven days.

The Permittee shall submit any fees required by Rule 280 at the time that the notification is filed.

If the Permittee obtains an air quality permit from the Arizona Department of Environmental Quality (ADEQ) for any source covered by this Permit, the Permittee shall provide a copy of the ADEQ permit to the Department within 30 days of its issue.

14. **Record Keeping:** The Permittee shall maintain accurate records as required by these Permit Conditions and by Section 500 of all applicable Rules. These records will be kept in a form which allows easy verification of compliance with these Permit Conditions and any applicable Rules.

All records shall be kept for a minimum of three years except that all records required to demonstrate that an air pollution control device is being operated properly shall be retained for five years.

All records required by this Permit shall be made available for inspection upon request by a representative of the Control Officer.

Upon request, the Permittee shall furnish to the Control Officer copies of records required to be kept by this permit.

15. **Renewal:** The Permittee shall file an application for a permit renewal at least six months, but not more than 18 months, before the expiration date of this Permit.

16. **Reopening For Cause:** This Permit shall be reopened or revised prior to expiration under any of the following conditions:
  - a. either the Control Officer or the Administrator of the United States Environmental Protection Agency (Administrator) determines that this Permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of this Permit, or
  - b. either the Control Officer or Administrator determines that this Permit must be revised or revoked to assure compliance with the applicable requirements.

17. **Reporting:** If notified, the Permittee shall submit an annual emissions inventory report to the Control Officer. The report shall summarize the activities and air pollution emissions from the facility during the previous calendar year in accordance with §507 of Rule 100. The report shall be filed on a form supplied by the Control Officer and shall be due by April 30 or 90 days after the Control Officer makes the forms available, whichever is later.

The Permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising or revoking and reissuing this Permit or to determine compliance with this Permit.

Upon request, the Permittee shall furnish to the Control Officer copies of records required to be kept by this Permit.

The Permittee shall file any additional reports required by the Control Officer in a complete and timely manner.

18. **Right to Entry:** The authorized representative of the Control Officer, upon presentation of credentials, shall be permitted:
- a. to enter upon the premises where the source is located or emissions-related activity is conducted, or in which any records are required to be kept under the terms and conditions of this Permit, and
  - b. to have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this Permit, and
  - c. to inspect any source, at reasonable times, equipment (including monitoring and air pollution control equipment), practices or operations regulated or required in this Permit, and
  - d. to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this Permit or other applicable requirements, and
  - e. to record any inspection by use of written, electronic, magnetic, and photographic media.

No claim of confidentiality for trade secrets or commercial information available to the Permittee under Arizona Revised Statutes (ARS) 49-487 or Rule 200 §400 can limit the scope of or otherwise interfere with an on-site inspection by a representative of the Control Officer.

19. **Rights and Privileges:** This Permit does not convey any property rights nor exclusive privileges of any sort.
20. **Severability:** The provisions of this Permit are severable, and, if any provision of this Permit is held invalid, the remainder of this Permit shall not be affected thereby.

21. **Start-up Notification:** The Permittee shall give written notification to the Department, Attention Compliance Supervisor, at least 7 days but no more than 30 days before the initial start-up of any new equipment or process. Start-up shall be defined as the use of any equipment or process covered by this Permit in a manner that emits or controls a regulated air pollutant. However, startup shall not be considered as having occurred if the equipment or process is operated solely for the purpose of calibration or test runs.

This startup notification does not apply to processes or equipment recognized by the Control Officer as being trivial or insignificant activities.

22. **Temporary Equipment:** The Permittee shall notify the Control Officer and obtain appropriate approval, in accordance with the Rules, prior to the installation or operation of any temporary or contractor operated equipment not covered by this Permit.

**SPECIFIC CONDITIONS:**

23. **Allowable Emissions:** The Permittee shall not allow emissions into the atmosphere to exceed any of the following limits:

	Daily Emission Limits	Twelve Month Rolling Average Emission Limits
Total Volatile Organic Compounds (VOCs)	120 pounds	20 tons
Total Hazardous Air Pollutants (HAPs)	18 pounds	3 tons
Any Single Hazardous Air Pollutant (HAP)	6 pounds	1 ton
Non-Precursor Organic Compounds	6 pounds	1 ton
Carbon Monoxide (CO)	60 pounds	11 tons
Nitrogen Oxides (NO <sub>x</sub> )	150 pounds	24.9 tons
Oxides of Sulfur	100 pounds	18.5 tons
Polychlorinated biphenyls (PCBs)	0.4 pounds	0.05 tons
Lead	0.4 pounds	0.05 tons
Chromium	2 pounds	1/4 ton
Cadmium	2 pounds	1/4 ton
Arsenic	0.04 pounds	0.005 tons
Total Particulates including PM10	150 pounds	24.9 tons
Particulates Smaller Than 10 Microns (PM10)	138 pounds	23 tons

The twelve month rolling average shall be calculated at the end of each calendar month by summing the total emissions over the most recent twelve calendar months.

24. **Standards/Requirements**

**Material Limitations:**

The Production rate shall not exceed 1500 tons/day. The use of recycled asphalt product shall not exceed 50 % of total weight of asphalt material.

**New Source Performance Standards (NSPS):** The Permittee is subject to NSPS Subpart I - Standards of Performance for Hot Mix Asphalt Facilities. The permittee shall not discharge into the atmosphere from the subject Hot Mix Asphalt facility any gases which:

- (i). Contain particulate matter in excess of 90 milligrams/dry standard cubic meter (0.04 grains/dry standard cubic feet).
- (ii). Exhibit 20 percent opacity, or greater.

**25. Source Testing**

The Permittee shall conduct an emission test for the combustion exhaust gasses from the burners as well as the emissions from the baghouse.

The testing shall be conducted in accordance with appropriate USEPA test methods. The emission test shall also meet the emission standards as mentioned in the applicable NSPS standards.

The test parameters shall include particulate matter, VOCs, NO<sub>x</sub>, CO and SO<sub>2</sub>.

The Permittee shall conduct an emission test within 90 days after the initial start up of the Hot Mix Asphalt facility.

The Permittee shall submit a test protocol to the Department for review and approval at least 30 days prior to the test. A fee for each stack to be tested, as required by Rule 280, shall be submitted with the test protocol.

The Permittee shall notify the Department in writing at least two weeks in advance of the actual time and date of the emissions test so that the Department may have a representative attend to witness the test.

The Permittee shall complete and submit a report to the Department within 30 days after completion of the emissions test. The report shall summarize the results of the testing in sufficient detail to allow a compliance determination to be made.

**26. Increase in Production Rate**

An increase in production rate is allowed only after the Permittee conducts an emission test as described in item 22, providing that the emission test successfully demonstrates that a higher production rate can meet the emission limitations listed in item 20.

The Permittee shall submit a written request to the Department for approval to operate the Hot Mix Asphalt facility at a higher production rate. The written request shall clearly indicate the maximum daily and annual production rates with appropriate test data demonstrating compliance of the emission limitations as listed in item 20.

**27. Dust Control Plan**

The Permittee shall submit a dust control plan within 60 days of issuance of the permit. The dust control plan shall contain at a minimum all information required in Section 401 of Rule 310 of Maricopa County Air Pollution Control Regulations.

**28. Operation and Maintenance Plan (O&M Plan)**

The Permittee shall submit an approvable O&M Plan for the baghouse to the Department as per the Department guidelines within 60 days of the initial startup of the equipment.

**29. Record Keeping**

The Permittee shall keep daily records of total recycled asphalt material as well as total virgin material used in tons per day with appropriate percentage feed rate.

The Permittee shall keep daily records of total asphalt produced in tons per day along with hours of operation.

The Permittee shall keep daily records of total usages of each type of fuel.

The Permittee shall maintain daily records of natural gas fuel and #2 oil in heating the asphalt binder.

**30. Asphalt Binder**

The Permittee shall maintain accurate records of amount of asphalt binder used in the process. The Permittee is allowed to heat the asphalt binder in one of the following manners

- 1) Use of electric heaters.
- 2) Use of Natural gas fuel.
- 3) Use of #2 oil.

The Permittee shall not burn used oil to heat the asphalt binder. The Permittee shall use asphalt binder to a maximum of 8 percent of the total weight of the materials used.

The asphalt binder shall not be heated to more than 400 ° F. The temperature shall be monitored every hour during operation. The Permittee shall provide temperature gauge with appropriate high temperature control device/Instrumentation.

### 31. **Used Oil Fuel**

The Permittee shall only use "on-specification used oil fuel". The on-specification used oil fuel shall not exceed the following levels in accordance with Article 7, Arizona Revised Statutes (ARS) Section 49-801. (5).

Arsenic	5 parts per million by weight (ppmw)
Cadmium	2 ppmw
Chromium	10 ppmw
Lead	100 ppmw
Polychlorinated biphenyls	2 ppmw

Flash point one hundred degrees Fahrenheit minimum.

The Permittee shall keep a copy of the manifest obtained from the transporter or marketer for a period of three years from the date of receipt.

The Permittee shall obtain a United States Environmental protection agency number and shall use that number on its manifests and notices before burning the used oil.

The Permittee shall submit a report to the Department on or before March 1 of each year containing all of the following information for the preceding calendar year:

1. The total volume of used oil fuel received from marketers during the preceding calendar year.
2. The total volume of used oil fuel received from out-of-state marketers.
3. The total volume of used oil generated by the permittee at the site at which the Permittee operates.
4. The total volume of on-specification used oil fuel burned.

Apart from the above mentioned conditions the Permittee shall comply with all other applicable requirements pursuant to ARS 49-808.

**Material Limitations:**

The total usage of used oil fuel shall not exceed 673,200 gallons per year with a maximum feed rate of 2,040 gallons per day. A higher usage rate of used oil is only allowed proportionally to the increase of production rate, as described in item 23. The usage of used oil shall not exceed a ratio of 1.36 gallons per ton of asphalt produced.

**32. Testing of Used Oil Fuel:**

Each batch of used oil supplied by marketer shall be tested for on-specification. Every load of delivery shall accompany the test results demonstrating on-specification. The Permittee shall provide a test program to analyze the used oil for on-specification. The Permittee shall also maintain a copy of certification by the marketer that the used oil fuel in the shipment has been analyzed and met the on-specification limits.

**33. Temperature Monitoring for Asphalt Production:**

The temperature of the mix with recycled asphalt, asphalt binder and virgin materials shall be monitored every hour. The temperature shall not exceed 400° F. The Permittee shall provide temperature gauge with appropriate high temperature control device/Instrumentation.